

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**

**BILLY WELCH, #110784**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 2:06cv173KS-MTP**

**MISSISSIPPI DEPARTMENT OF CORRECTIONS, et al.**

**DEFENDANTS**

**ORDER DENYING REQUEST FOR *IN FORMA PAUPERIS* STATUS AND  
REQUIRING PLAINTIFF TO PAY THE FILING FEE**

Plaintiff Welch, an inmate of the Mississippi Department of Corrections (MDOC), currently incarcerated in the South Mississippi Correctional Institute (SMCI), filed an application to proceed *in forma pauperis* in this cause. The plaintiff's request for waiver of fees and costs states that he has \$622.60 in his inmate account. The filing fee for this action is \$350.00.

Section 28 U.S.C. § 1915(a) provides access to the courts if a plaintiff does not have financial resources to pay any part of the statutory filing fee. See Williams v. Estelle, 681 F.2d 946 (5th Cir. 1982); Prows v. Kastner, 842 F.2d 138 (5th Cir. 1988). This court notes that the plaintiff is currently incarcerated and does not pay for room, food, clothing or other incidental expenses. Under the circumstances, this court in exercising its discretion has determined that the plaintiff has the financial resources to pay the filing fee. Therefore, plaintiff's application to proceed *in forma pauperis* is not well-taken and will be denied. Accordingly, it is

**ORDERED AND ADJUDGED:**

1. That plaintiff's application to proceed *in forma pauperis* is denied. Plaintiff has twenty days from the date of this order to submit to this court the \$350.00 filing fee. If the filing fee is

paid by the plaintiff or someone other than the plaintiff, there must be a written explanation that the money is being submitted as payment of the filing fee in this case (2:06cv173KS-MTP) on behalf of the plaintiff, Billy Welch, #110784.

2. That if the \$350.00 filing fee is not received within the twenty day time period, plaintiff is warned that this action will be dismissed.

3. That the plaintiff is further warned that failure to keep this court informed of his current address may result in this case being dismissed.

SO ORDERED this the 11th day of September, 2006.

*s/Keith Starrett*

UNITED STATES DISTRICT COURT JUDGE